

# HOUSE BILL REPORT

## HB 1938

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**As Reported by House Committee On:**  
Early Learning & Children's Services

**Title:** An act relating to children's interests in maintaining postadoption contact with their siblings.

**Brief Description:** Considering postadoption contact between siblings in adoption proceedings.

**Sponsors:** Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney.

**Brief History:**

**Committee Activity:**

Early Learning & Children's Services: 2/13/09, 2/19/09 [DPS].

**Brief Summary of Substitute Bill**

- Requires the court overseeing permanency planning for a child in foster care to consider the child's relationship with siblings and the benefit of postadoption contact between siblings who will be separated by adoption.
- Directs the court reviewing and approving an adoption agreement to encourage consideration of providing for postadoption contact between siblings who will be separated by adoption from foster care.
- Requires the court to inquire of attorneys and guardians ad litem representing children about the potential benefit of continuing contact between siblings and the potential detriment of severing contact.
- Requires the pre-adoption home study report to verify that discussions with adoptive parents include the relevance of sibling relationships and the potential benefit of providing for continuing contact between siblings being separated by adoption.

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**HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass.  
Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

**Staff:** Sydney Forrester (786-7120)

**Background:**

Foster Care.

The statutory presumption for children in foster care is that placement with siblings or continuing contact and visits between siblings are in their best interests. While the dependency court is required to consider sibling placements, visits, and contact while the siblings are in foster care, there is no directive relating to consideration of continued sibling contact when the permanency plan will result in siblings being separated by an adoption.

Adoption.

Washington's adoption statute requires a pre-adoption home study report be submitted to the court. The report must include verification that discussions with prospective adoptive parents includes topics relating to:

- the concept that adoption is a lifelong developmental process;
- the potential for the child to experience identity confusion and feelings of loss regarding separation from birth parents;
- the potential for the child to have questions about birth parents and relatives; and
- the relevance of the child's racial, ethnic, and cultural heritage.

Open adoption agreements must be reviewed and approved by the court, but the statute discussing postadoption contact between a child adoptee and his or her family includes no references to siblings of the child being adopted or the potential benefit of providing for a continuation of the child's relationship with his or her siblings through an adoption agreement or informal agreement.

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**Summary of Substitute Bill:**

The relevance of the child's relationship with siblings and the potential benefit of facilitating postadoption contact is included in the list of issues that must be considered during the permanency planning process for children in foster care and discussed with prospective adoptive parents. The family law court reviewing and approving an adoption agreement must encourage the consideration of the adoptive child's relationship with known siblings. If a child being adopted from foster care or his or her siblings is represented by a guardian ad litem (GAL) or an attorney in an adoption proceeding, or in a dependency matter, the court reviewing the adoption agreement must inquire of the attorneys and guardians regarding the potential benefit of continued contact between the siblings.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the original bill:

1. clarifies that in adoption proceedings the intent of the focus on postadoption contact is about children adopted from foster care and encouraging postadoption contact between siblings who have a relationship prior to the adoption; and
  2. adds language to the child's dependency permanency planning process directing the court to consider sibling relationships when developing a permanent plan for adoption of a child that will result in separation of siblings.
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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 20, 2009.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support of original bill) At the 2008 Foster Youth Leadership Summit a particular topic of discussion was that some foster youth lose all contact with siblings as a result of adoption. This bill is intended to be a first step in addressing the problem.

Many youth have endured not knowing what has become of their siblings who were adopted from foster care. Sibling connections are frequently the only source of stability many foster youth have when they experience multiple placements. Research demonstrates that siblings placed together have better outcomes. When this can't be done, siblings should at least not be permanently separated by adoption. For some children in foster care, taking away the opportunity to visit with a sibling is used as a means of punishment by foster parents. Other foster youth who age-out of foster care are prevented from being able to continue to visit with their siblings still in care.

Most of the open adoption agreements are developed in the dependency process. This is where we should be encouraging the discussion of the benefits of postadoption continued sibling contact. There is one caution about creating possible impediments to private adoptions, so this should be clarified to focus on adoptions from foster care.

(Opposed) None.

**Persons Testifying:** Representative Roberts, prime sponsor; Tiffany Washington, Amanda Spady, and Leona Bill, Mockingbird Society; and Mark Demaray, Washington State Adoption Council and American Academy of Adoption Attorneys.

**Persons Signed In To Testify But Not Testifying:** None.